UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,203	04/20/2007	David Gang	10587.0261-00000	1954

22852 7590 05/23/2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
ALVAREZ, RAQUEL	
ART UNIT	PAPER NUMBER
3682	

MAIL DATE	DELIVERY MODE
05/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/535,203	GANG ET AL.	
	Examiner	Art Unit	
	RAQUEL ALVAREZ	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/16/2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 3/16/2011.

2. Claims 1-48 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8-14, 18-21, 23-28, 31-33, 37-41, 46-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Doctorow et al (2005/0131721 hereinafter Doctorow).

With respect to claims 1, 4, 8-13, 19, 23-27, 31-33, 41, Doctorow teaches methods and system for automatically classifying, by a processor content perceived by a sharing user (i.e. classifying the user in area of interest)(paragraph 0036); determining, by a processor, a set of recipient candidates likely to be interested in the content based upon classification of the content and prior sharing activity of the recipients to content of the same or similar classification and presenting to the sharing user one or more members of the set of recipient candidates for sharing the content being perceived by the sharing user based upon passive personalization(i.e. the user is

presented with a list of subscribers/buddies with similar interests)(step 28); updating the sharing list (i.e. user's interest list is updated)(paragraph 0056).

With respect to the newly amended feature of determining whether the content has been previously shared by the sharing user; presenting, to the sharing user, a visual representation indicating that the content has been previously shared when the content is determined to be previously shared (i.e. maintaining a record of previous information provided to a particular user from another user and whether the provided information was used or discarded)(paragraph 0020).

With respect to claims 2-3, Doctorow teaches wherein the content comprises Internet online content (see paragraph 0063).

With respect to claims 5, 28 Doctorow further teaches determining the set of recipient candidates comprises doing so based upon information made available by a potential recipient (i.e. subscriber information is supplied based on their search or viewing habits)(see Figure 3A).

With respect to claim 14, Doctorow further sharing the content using at least one of an instant message, a chat room and an e-mail message (i.e. see paragraph 0058).

With respect to claims 18, 37, Doctorow further teaches classifying the content comprises identifying a change in the content and determining a set of recipient

candidates comprises determining a set of recipient candidates based upon the changed content (i.e. changing the category will lead to a change in the buddy list).

With respect to claims 20-21, 46-47 Doctorow teaches determining if the content is shareable and sending an indication such as a visual indication (i.e. a signal to user A that the content is shareable)(paragraph 0077).

With respect to claims 38-40, Doctorow further teaches storing the set of recipients as a sharing list and retrieving and updating the sharing list (see adding updating and storing buddy list on paragraph 0056).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6-7, 15-17, 22, 29-30, 34-36, 42-45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doctorow in view of Official Notice.

Claims 6, 29 further teaches determining the set of recipient candidates comprises doing so based upon active manipulation by the sharing user. Doctorow

teaches the user supplying their personal information (paragraph 0040). Doctorow is silent as the sharing user supplying the information on the recipient candidates. Official Notice is taken that it is old and well known for users to supply the e-mail addresses of their friends of families who might have similar interests as they do. Example, friends referring friends. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included determining the set of recipient candidates comprises doing so based upon active manipulation by the sharing user in order to easily and effectively determine who will be interested in the information.

Claims 15-17, 34-36, 42-44 further recite receiving an online presence status for one or more members of the set of recipient candidates and presenting to the sharing user one or more communication options for sharing the content with a recipient candidate based upon the online presence status of the recipient candidate. Official Notice is taken that it is old and well known to determine when other subscribers (buddies) are online in order to present the information. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included receiving an online presence status for one or more members of the set of recipient candidates and presenting to the sharing user one or more communication options for sharing the content with a recipient candidate based upon the online presence status of the recipient candidate in order to obtain the above mentioned advantage.

Claim 45 is similar in scope as claim 14 rejected above and therefore is rejected under similar rationale.

Claims 7, 30 further recites the set of recipient candidates being supplied by a third party. Official notice is taken that it is old and well known to delegate responsibilities and duties to a third party. For example, collector's agency for collecting late/unpaid payments. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the set of recipient candidates being supplied by a third party in order to achieve the above mentioned advantage.

Claims 22, 48 further recite sending an audible indication that the content is shareable. Doctorow teaches visual display of the shareable content (i.e. a signal to user A that the content is shareable)(paragraph 0077). Doctorow doesn't specifically teach the indication being audible. Official Notice is taken that it is old and well known to provide a noise or sound to be heard in order to alert the users. For example, hazard weather alert while watching a TV show. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the indication being audible in order to achieve the above mentioned advantage.

Response to Arguments

7. Applicant's arguments filed 3/16/2011 have been fully considered but they are not persuasive.

Applicant argues that Doctorow doesn't teach of determining whether the content has been previously shared by the sharing user; presenting, to the sharing user, a visual representation indicating that the content has been previously shared when the content is determined to be previously shared. The Examiner disagrees with Applicant because Doctorow teaches on paragraph 0020 maintaining **a record of previous information provided to a particular user from another user.** Therefore, contrary to Applicant's arguments Doctrow teaches recording previous information shared/provided to another user.

8. Applicant argues that Doctorow doesn't teach "determining a set of recipient candidates likely to be interested in the content based upon the classification of the content and prior sharing activity of the recipients with respect to content of the same or similar classification," because according to Applicant the commonality in *Doctorow* is simply determined based on a number of occurrences of a user accepting or rejecting information. The Examiner wants to point out that in Doctorow, that the information shared as taught by paragraph 0020 and what information is being accepted or rejected is recorded in order to classify the users with respect to similar interests and classification (paragraphs 0044 0057 and 0060).

9. With respect to the Official Notice taken, the Examiner has provided examples of the well known facts and Appellant hasn't provided a proper challenge that would at least cast reasonable doubt that the known facts weren't known prior to Applicant's invention. See MPEP 2144.03.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAQUEL ALVAREZ whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Namrata (Pinky) Boveja can be reached on (571)272-8105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3682

Raquel Alvarez
Primary Examiner
Art Unit 3682

/R. A./
5/18/2011